

## Introduced by Senator Polanco

February 23, 2001

An act to amend Section 1344 of the Health and Safety Code, relating to health care.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1037, as introduced, Polanco. Health care service plans.

Existing law, the Knox-Keene Health Care Service Plan Act of 1975, regulates health care service plans and specialized health care service plans. Existing law permits the Director of the Department of Managed Health Care to adopt, amend, and rescind various rules, forms, and orders as are necessary to carry out the provisions of the act.

This bill would make technical, nonsubstantive changes to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 1344 of the Health and Safety Code is  
2 amended to read:  
3 1344. (a) The director may from time to time adopt, amend,  
4 and rescind ~~such~~ any rules, forms, and orders as are necessary to  
5 carry out the provisions of this chapter, including rules governing  
6 applications and reports, and defining any terms, whether or not  
7 used in this chapter, insofar as the definitions are not inconsistent  
8 with the provisions of this chapter. For the purpose of rules and  
9 forms, the director may classify persons and matters within the  
10 director's jurisdiction, and may prescribe different requirements



1 for different classes. The director may waive any requirement of  
2 any rule or form in situations where in the director's discretion  
3 ~~such~~ *the* requirement is not necessary in the public interest or for  
4 the protection of the public, subscribers, enrollees, or persons or  
5 plans subject to this chapter. The director may adopt rules  
6 consistent with federal regulations and statutes to regulate health  
7 care coverage supplementing Medicare.

8 (b) The director may honor requests from interested parties for  
9 interpretive opinions.

10 (c) No provision of this chapter imposing any liability applies  
11 to any act done or omitted in good faith in conformity with any  
12 rule, form, order, or written interpretive opinion of the director, or  
13 any ~~such~~ opinion of the Attorney General, notwithstanding that the  
14 rule, form, order, or written interpretive opinion may later be  
15 amended or rescinded or be determined by judicial or other  
16 authority to be invalid for any reason.

